



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,143	04/15/2002	Franz Wieth	LBP-PT015 (19 351)	9819

3624 7590 02/27/2004
VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

EXAMINER

PREVIL, DANIEL

ART UNIT	PAPER NUMBER
----------	--------------

2636

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,143

Applicant(s)

WIETH ET AL.

Examiner

Daniel Previl

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over French et al. (US 6,486,768) in view of Smith (US 3,882,982).

Regarding claim 1, French discloses a system to detect and reward the return of shopping carts to collection points at a shopping center (col. 3, lines 52-61) comprising: at least one collection point (cart corral) for receiving and storing shopping carts (the sensor and control electronics 113 includes two or more cart detector circuits 200a and 200b, microcontroller 220 and an interface 222 to the store computer) (col. 8, lines 16-20).

French discloses all the limitations above but fails to explicitly disclose a detection means to generate a signal for issuance of a bonus when a shopping cart is returned wherein the detection means determines whether the returned shopping cart has been stored in a stacked row of shopping carts within a prescribed tolerance.

However, Smith discloses a detection means 14 to generate a signal for issuance of a bonus (reward medium 17) when a shopping cart is returned wherein the detection means determines whether the returned shopping cart has

Art Unit: 2636

been stored in a stacked row of shopping carts 12 within a prescribed tolerance (a detector 14 at the shopping cart 12, reward medium 17 pick up by the person returning the shopping cart) (col. 2, lines 40-49 and 67-68; col. 3, lines 1-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Smith in French. Doing so would trigger easily the dispenser to eject a piece of the reward medium when the person returning the cart. So that shoppers can encourage to return the shopping cart to the store in order to be rewarded of money and to prevent property damaged as taught by Smith (col. 1, lines 10-51).

Regarding claim 5, French discloses each shopping card is provided with an optically determinable individual identification (col. 10, lines 29-67).

Regarding claim 6, although, the above combination discloses all the limitations in claim 3 but to explicitly disclose IR range. Since, French discloses the RF ID tags transmitting a unique serial number (col. 7, lines 51-55). So, it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that using IF range instead of Using a RF range achieve the same end result wherein shopping cart return can be accurately detected and shoppers can rewarded efficiently.

Regarding claim 7, the above combination discloses all the limitations in claim 6 and Smith further discloses a deflection units to deflect a light signal from the signal transmitter directing the light signal from shopping cart to a next immediate shopping cart in the stacked row of shopping carts (the detector 14

includes a light source 19 for emitting a beam of light at the station to receive the light reflected back by the shopping cart) (fig. 1; col. 2, lines 67-68; col. 3, lines 1-34). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Smith in French. Doing so would trigger easily the dispenser to eject a piece of the reward medium when the person returning the cart. So that shoppers can encourage to return the shopping cart to the store in order to be rewarded of money and to prevent property damaged as taught by Smith (col. 1, lines 10-51).

Regarding claim 8, the above combination discloses all the limitations in claim 7 and Smith further discloses indicia 13 attached to shopping carts 12 generated the signal to the issue bonus upon receiving a light signal that was received and redirected by the shopping cart in front of them (col. 5, lines 39-68; col. 6, lines 1-25).

Regarding claim 9, the above combination discloses all the limitations in claim 7 and Smith further discloses customer held data medium (reward medium) (col. 2, lines 48-49). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Smith in French. Doing so would trigger easily the dispenser to eject a piece of the reward medium when the person returning the cart. So that shoppers can encourage to return the shopping cart to the store in order to be rewarded of money and to prevent property damaged as taught by Smith (col. 1, lines 10-51).

Regarding claim 10, French discloses read and write device (card reader) with which the signal to issue the bonus can be stored on a customer card (10, lines 18-49).

Regarding claim 11, the above combination discloses all the limitations above and Smith further discloses the optical signal transmitter is made of a common lighting system with a modulated light signal light source 19 for emitting a beam of light as the shopping cart moves pass the detector 14) (col. 2, lines 1-2; col. 3, lines 1-14).

3. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over French in view of Smith and further in view of DiPaolo et al. (US 5,402,106).

Regarding claim 2, French discloses all the limitations set forth in claim 1 but fails to explicitly disclose a digital image- processing camera.

However, DiPaolo discloses a camera (col. 5, lines 49-60).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of DiPaolo in French and Smith. Doing so would encourage shoppers of returning shopping cart to a cart return location because shoppers will be rewarded and the system can deter thieves from stealing the cart. Wherein system is safer, quicker and more convenient for shoppers as taught by DiPaolo (col. 1, lines 33-59).

Regarding claim 3, the above combination discloses all the limitations in claim 2 and DiPaolo further discloses the handlebar 39 of the shopping cart 13 as well as a distance and/or parallel positioning to the store 17 (fig. 2; col. 3, lines 10-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of DiPaolo in French and Smith. Doing so would encourage shoppers of returning shopping cart to a cart return location because shoppers will be rewarded and the system can deter thieves from stealing the cart. Wherein system is safer, quicker and more convenient for shoppers (col. 1, lines 33-59).

Regarding claim 4, the above combination discloses all the limitations in claim 2 and DiPaolo further discloses camera 113 takes picture of a person taking the shopping cart 13 out of parking lot 15 (col. 5, lines 49-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of DiPaolo in French and Smith. Doing so would encourage shoppers of returning shopping cart to a cart return location because shoppers will be rewarded and the system can deter thieves from stealing the cart. Wherein system is safer, quicker and more convenient for shoppers (col. 1, lines 33-59).

Claims 12, 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over French et al. (US 6,486,768) in view of Smith (US 3,882,982).

Regarding claim 12, French discloses the method to detect and reward the return of shopping carts to collection points at a shopping center (col. 3, lines 52-61) comprising: generating a signal upon the return of a shopping cart to a collection point to issue a bonus (col. 7, lines 47-59)

French discloses the limitations above but fails to explicitly disclose the bonus is issued only if the returned shopping cart is stored in a shopping cart stacked row in the collection point within a prescribed tolerance.

However, Smith discloses the bonus is issued only if the returned shopping cart is stored in a shopping cart stacked row in the collection point within a prescribed tolerance.

(a detector 14 at the shopping cart 12, reward medium 17 pick up by the person returning the shopping cart 12) (col. 2, lines 40-49 and 67-68; col. 3, lines 1-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Smith in French. Doing so would trigger easily the dispenser to eject a piece of the reward medium when the person returning the cart. So that shoppers can encourage to return the shopping cart to the store in order to be rewarded of money and to prevent property damaged as taught by Smith (col. 1, lines 10-51).

Regarding claims 14-15, French discloses each shopping card is provided with an optically determinable individual identification (col. 10, lines 29-67).

Regarding claim 16, French discloses a common lighting system with a modulated light signal (LED) (col. 10, lines 18-29).

Regarding claim 17, French discloses the step of issuing a bonus is stored on a data medium of the customer (if a customer ID card is swiped through the card reader, the customer is credited with returning a cart) (col. 8, lines 52-57).

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over French in view of Smith and further in view of DiPaolo et al. (US 5,402,106).

Regarding claim 13, French and Smith disclose all the limitations set forth in claim 12 but fail to explicitly disclose a digital image- processing camera.

However, DiPaolo discloses a camera (col. 5, lines 49-60).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of DiPaolo in French and Smith. Doing so would encourage shoppers of returning shopping cart to a cart return location because shoppers will be rewarded and the system can deter thieves from stealing the cart. Wherein system is safer, quicker and more convenient for shoppers.

Response to Arguments

5. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

The examiner strongly believes that Smith discloses a rewarding medium 17 when a shopping cart is returned in a row of shopping carts 12 (fig. 1; col. 2, lines 40-67; col. 3, lines 1-26).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Burke (US 5,848,399) discloses a computer system for allowing a consumer to purchase packaged goods at home.

Unger (US 4,470,495) discloses a device for encouraging the return of shopping carts.

Peggs (US 3,897,863) discloses a cart reception and reward mechanism.

Havens (US 4,868,544) discloses a shopping cart retrieval system.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is 703 305-1028. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on 703 308-6730. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9314 for regular communications and 703 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

Daniel Previl
Examiner
Art Unit 2632

DP
February 10, 2004


JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600